

REMARKS

Claims 1 and 16-21 have been amended. Support for the amendments may be found throughout the specification and in the original claims. No new matter has been added. Claims 8-10, 13, and 38-62 have been cancelled without prejudice. Applicants reserve the right to prosecute the cancelled subject matter in a continuing or divisional application claiming priority to this application.

Claims 1, 3, 11-12, 14-30, 35-37, and 63-64 are pending.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 1, 3, 8-30, 35-37, 63 and 64 under 35 U.S.C. §112, first paragraph, "as failing to comply with the written description requirement." See Office Action at p. 2-3. Claims 8-10 and 13 have also been cancelled thus rendering this rejection moot with respect to those claims. In an effort to expedite prosecution and not in acquiescence to the rejection, Applicants have amended claim 1. Applicants respectfully request the withdrawal of this rejection with respect to claim 1 and dependent claims thereof.

Rejection of claims under 35 U.S.C. §112, second paragraph

The Examiner has rejected claim 1 under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." See Office Action at p. 4. Applicants disagree that inclusion of Formula A and provisos introduce new matter. In an effort to expedite prosecution and not in acquiescence to the rejection, Applicants have amended claim 1. Applicants respectfully request the withdrawal of this rejection.

Patentability of Independent Claim 1

Independent claim 1 features a compound having Formula IV wherein R₃ is H or a substituent selected from hydrocarbyl, -S-hydrocarbyl, halogen and N(R₉)(R₁₀), wherein each of R₉ and R₁₀ are independently selected from H and hydrocarbyl groups, L is absent or is -CH₂-,

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wherein R₄ is selected from H and hydrocarbyl, and wherein R₅ is an optionally substituted aryl ring.

None of the cited references including Yoshino, Kitazawa, or Arrhenius describe compounds having Formula IV as disclosed in claim 1. Accordingly, claim 1 and dependent claims thereof are patentable over Yoshino, Kitazawa, or Arrhenius references.

Patentability of Independent Claim 16

Independent claim 16 features a compound having Formula VIII wherein R₃ is H or a substituent selected from hydrocarbyl, -SH, -S-hydrocarbyl, halogen and N(R₉)(R₁₀), wherein each of R₉ and R₁₀ are independently selected from H and hydrocarbyl groups, L is absent or is -CH₂-, wherein R₄ is selected from H and hydrocarbyl, wherein R₅ is an optionally substituted aryl ring or a salt thereof.

None of the cited references including Yoshino, Kitazawa, or Arrhenius describe compounds having Formula VIII as disclosed in claim 16. Accordingly, claim 16 and dependent claims thereof are patentable over Yoshino, Kitazawa, or Arrhenius references.

CONCLUSION

Applicants believe that the claims are in condition for allowance.

A Request for Continued Examination (RCE), an Information Disclosure Statement and Form 1449 are submitted herewith.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account 19-4293.

Respectfully submitted,



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